

FILED

APR 12 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA
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v.
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STEPHEN WRIGHT JR.

No. 4:23-CR- 81
Judge Jordan

INDICTMENT

The United States Grand Jury Charges:

INTRODUCTION

At all times material to this Indictment:

1. 18 U.S.C. § 922(a)(6) makes it a crime for anyone to make a false or fictitious oral or written statement to a licensed firearms dealer in order to acquire a firearm. A statement is “false or fictitious” if it was untrue when made and was then known to be untrue by the person making it. A false statement is “likely to deceive” if the nature of the statement, considering all of the surrounding circumstances at the time it is made, is such that a reasonable person of ordinary prudence would have been actively deceived or misled.

2. Federal Firearms Licensees (FFL) are dealers of firearms who sell firearms as part of their livelihood. FFLs are required by federal law to maintain records relating to the sale of firearms to consumers. The principal purpose of requiring licensed firearms dealers to obtain such information from purchasers is to assist law enforcement activities. One of the records required to be kept by FFLs is the Bureau of Alcohol, Tobacco, Firearms

and Explosives Form 4473 (Form 4473). Scheels All Sports, Texas is a gun store that is owned and operated by a FFL.

3. FFLs may not lawfully sell a firearm to the public without first having the prospective purchaser complete the Firearms Transaction Record (ATF Form 4473)—in which the purchaser answers questions about his or her eligibility to legally purchase or possess firearms under penalty of perjury—and facilitating a background check to verify the purchaser's eligibility. On this same form, Question 11.a. requires the prospective purchaser to certify—under penalty of law—if he or she is “the actual transferee/buyer of the firearm(s) listed on this form,” which is a fact material to the lawfulness of the firearm sale. If a person purchases a firearm for someone else but claims that he or she is “the actual transferee/buyer of the listed firearm(s),” the firearm acquisition is called a straw purchase and this conduct is also commonly called lying-and-buying, which is a violation of 18 U.S.C. § 922(a)(6).

COUNT ONE

Violation: 18 U.S.C. §§ 371,
922(a)(6) (Conspiracy to Acquire a
Firearm from a Licensed Dealer by
False or Fictitious Statement)

Beginning in or around August 2018, and continuing until the date of the filing of this indictment, in the Eastern District of Texas and elsewhere, STEPHEN WRIGHT JR. (hereinafter “WRIGHT”), defendant, did knowingly and willfully combine, conspire and agree with other persons unknown to the United States Grand Jury (hereinafter

“coconspirators”) to make false and fictitious written statements to a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, in connection with the acquisition of a firearm, which statement was intended and likely to deceive the said licensed dealer of firearms as to a fact material to the lawfulness of such sale of the said firearm, in violation of 18 U.S.C. § 922(a)(6).

B. MANNER AND MEANS OF THE CONSPIRACY

Among the means that the defendants and co-conspirators carried out the object of the conspiracy were:

4. The coconspirators formulated a plan to pay WRIGHT to purchase firearms on behalf of others (“straw purchase”) from FFL’s located in the Eastern District of Texas and elsewhere;
5. A coconspirator provided WRIGHT with cash to purchase the firearms;
6. WRIGHT traveled from his home to the FFLs to purchase the firearms;
7. WRIGHT communicated with his coconspirators before, during and after the straw purchase via cell phone and Snap-chat; and
8. WRIGHT, in completing the purchase of the firearms from the FFLs, falsely stated on the ATF Form 4473 that he was the actual purchaser/transferee of the firearm, when in fact he was not.

C. OVERT ACTS

In furtherance of the conspiracy and to affect the objects thereof, in the Eastern District of Texas and elsewhere, at least one of the conspirators committed and caused to be committed, at least one of the following overt acts:

9. On or about October 25, 2022, WRIGHT traveled to Scheels All Sports, an FFL located in the Eastern District of Texas, and purchased a FN SCAR 17S multi-cam 7.62/.3080 caliber, semi-automatic rifle, bearing serial number H1C15462 on behalf of Unindicted Coconspirators 1 and 2 (“UC1” and “UC2,” respectively) with approximately \$4,113.49 in cash. UC1 paid WRIGHT approximately \$1000 to make the straw purchase. Although this firearm was purchased on behalf of UC1 and UC2, and with intent to transfer the firearm to them, WRIGHT falsely stated on the 4473 that he was the actual purchaser/transferee of the firearm.

COUNT TWO

Violation: 18 U.S.C. § 922(a)(6)
(Acquire a Firearm from a Licensed
Dealer by False or Fictitious Statement)

On or about October 25, 2022, in the Eastern District of Texas, STEPHEN WRIGHT JR., defendant, in connection with the acquisition of a firearm, to wit: a FN SCAR 17S multi-cam 7.62/.3080 caliber, semi-automatic rifle, bearing serial number H1C15462, from Scheels All Sports, a licensed dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement that was intended and likely to deceive Scheels All Sports as to a fact material to the lawfulness of such sale of the said firearm to the defendant.

In violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Criminal Forfeiture Pursuant to 18 U.S.C. § 924(d)

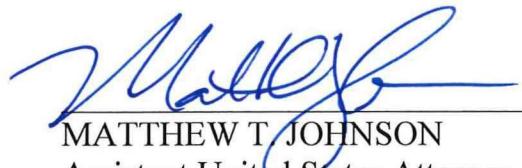
As a result of committing the felony offenses alleged in this Indictment, defendant, STEPHEN WRIGHT JR., shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d), all firearms and ammunition involved in the offense.

A TRUE BILL

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GRAND JURY FOREPERSON

BRIT FEATHERSTON
UNITED STATES ATTORNEY


MATTHEW T. JOHNSON
Assistant United States Attorney

Date: 4/12/23

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
v. § No. 4:23-CR-81
§ Judge *Jordan*
STEPHEN WRIGHT JR. §

NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. §§ 371, 922(a)(6)

Penalty: Imprisonment of not more than 5 years, a fine not to exceed \$250,000, or both; a term of supervised release of not more than three years.

Special Assessment: \$ 100.00

Count Two

Violation: 18 U.S.C. § 922(a)(6)

Penalty: Imprisonment of not more than ten (10) years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than three (3) years.

Special Assessment: \$100.00